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Voting Reform Is in the Cards

By JIMMY CARTER and JAMES A. BAKER III



WE agreed to lead the Commission on Federal Election Reform because of our shared concern that too many Americans lack confidence in the electoral process, and because members of Congress are divided on the issue and busy with other matters.

This week, we issued a report that bridges the gap between the two parties' perspectives and offers a comprehensive approach that can help end the sterile debate between ballot access and ballot integrity. Unfortunately, some have misrepresented one of our 87 recommendations. As a result, they have deflected attention from the need for comprehensive reform.

Our recommendations are intended to increase voter participation, enhance ballot security and provide for paper auditing of electronic voting machines. We also offer plans to reduce election fraud, and to make the administration of elections impartial and more effective.

Most important, we propose building on the Help America Vote Act of 2002 to develop an accurate and up-to-date registration system by requiring states, not counties, to organize voter registration lists and share them with other states to avoid duplications when people move. The lists should be easily accessible so that voters can learn if they're registered, and where they're registered to vote.

Some of our recommendations are controversial, but the 21 members of our bipartisan commission, which was organized by American University, approved the overall report, and we hope it will break the stalemate in Congress and increase the prospects for electoral reform.

Since we presented our work to the president and Congress, some have overlooked almost all of the report to focus on a single proposal - a requirement that voters have driver's licenses or government-issued photo ID's. Worse, they have unfairly described our recommendation.

Here's the problem we were addressing: 24 states already require that voters prove their identity at the polls - some states request driver's licenses, others accept utility bills, affidavits or other documents - and 12 others are considering it. This includes Georgia, which just started demanding that voters have a state-issued photo ID, even though obtaining one can be too costly or difficult for poor Georgians. We consider Georgia's law discriminatory.

Our concern was that the differing requirements from state-to-state could be a source of discrimination, and so we recommended a standard for the entire country, the Real ID card, the standardized driver's licenses mandated by federal law last May. With that law, a driver's license can double as a voting card. All but three of our 21 commission members accepted the proposal, in part because the choice was no longer whether to have voter ID's, but rather what kind of ID's voters should have.

Yes, we are concerned about the approximately 12 percent of citizens who lack a driver's license. So we proposed that states finally assume the responsibility to seek out citizens to both register voters and provide them with free ID's that meet federal standards. States should open new offices, use social service agencies and deploy mobile offices to register voters. By connecting ID's to registration, voting participation will be expanded.

Our proposal would allow voters without photo ID's to be able to cast provisional ballots until 2010. Their votes would count if the signature they placed on the ballot matched the one on file, just as the case for absentee ballots. After that, people who forgot their photo ID's could cast provisional votes that would be counted if they returned with their ID's within 48 hours. Some have suggested we use a signature match for provisional ballots after 2010, but we think citizens would prefer to get a free photo ID before then.

In arguing against voter ID requirements, some critics have overlooked the larger benefit of government-issued ID's for the poor and minorities. When he spoke to the commission, Andrew Young, the former mayor of Atlanta, supported the free photo ID as away to empower minorities, who are often charged exorbitant fees for cashing checks because they lack proper identification. In a post-9/11 world, photo ID's are required to get on a plane or into a skyscraper.

We hope that honest disagreements about a photo ID will not deflect attention from the urgency of fixing our electoral system. While some members of Congress may prefer to block any changes or stand behind their particular proposals rather than support comprehensive reforms, we hope that in the end they will work to find common ground. The American people want the system fixed before the next election, and that will require a comprehensive approach with a bipartisan voice in favor of reform.

Jimmy Carter was the 39th president. James A. Baker III was secretary of state in the George H. W. Bush administration.

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1 Section 62.016 to read as follows:

2 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE
3 POLLING PLACES. The presiding judge shall post in a prominent place
4 on the outside of each polling location a list of the acceptable
5 forms of photographic and nonphotographic identification. The list
6 must be printed using a font that is at least 24-point.

7 SECTION 6. Section 63.001, Election Code, is amended by
8 amending Subsections (b), (c), (d), and (f) and adding Subsection
9 (g) to read as follows:

10 (b) On offering to vote, a voter must present to an election
11 officer at the polling place either:

12 (1) one form of identification listed in Section
13 63.0101(a); or

14 (2) two different forms of identification listed in
15 Section 63.0101(b) [the voter's voter registration certificate to
16 an election officer at the polling place].

17 (c) On presentation of the documentation required by
18 Subsection (b) [a registration certificate], an election officer
19 shall determine whether the voter's name on the documentation
20 [registration certificate] is on the list of registered voters for
21 the precinct.

22 (d) If the voter's name is on the precinct list of
23 registered voters and the voter's identity can be verified from the
24 documentation presented under Subsection (b), the voter shall be
25 accepted for voting.

26 (f) After determining whether to accept a voter, an election
27 officer shall return the voter's documentation ~~[registration~~

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1 SECTION 9. Section 63.007(a), Election Code, is amended to
2 read as follows:

3 (a) A voter who, when offering to vote, presents
4 documentation required under Section 63.001(b) that indicates [~~a~~
5 ~~voter registration certificate indicating that~~] the voter is
6 currently registered in a different precinct from the one in which
7 the voter is offering to vote, and whose name is not on the precinct
8 list of registered voters, shall be accepted for voting if the
9 voter's identity can be verified from the documentation and the
10 voter executes an affidavit stating that the voter:

11 (1) is a resident of the precinct in which the voter is
12 offering to vote or is otherwise entitled by law to vote in that
13 precinct;

14 (2) was a resident of the precinct in which the voter
15 is offering to vote at the time that information on the voter's
16 residence address was last provided to the voter registrar;

17 (3) did not deliberately provide false information to
18 secure registration in a precinct in which the voter does not
19 reside; and

20 (4) is voting only once in the election.

21 SECTION 10. Section 63.0101, Election Code, is amended to
22 read as follows:

23 Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

24 (a) The following documentation is an acceptable form [~~as proof~~] of
25 photo identification under this chapter:

26 (1) a driver's license or personal identification card
27 issued to the person by the Department of Public Safety that has not

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1 (1) the voter's voter registration certificate or a
2 copy of a current utility bill, bank statement, government check,
3 paycheck, or other government document that shows the name and
4 address of the voter;

5 (2) official mail addressed to the person by name from
6 a governmental entity;

7 (3) a certified copy of a birth certificate or other
8 document confirming birth that is admissible in a court of law and
9 establishes the person's identity;

10 (4) United States citizenship papers issued to the
11 person;

12 (5) an original or certified copy of the person's
13 marriage license or divorce decree;

14 (6) court records of the person's adoption, name
15 change, or sex change;

16 (7) an identification card issued to the person by a
17 governmental entity of this state or the United States for the
18 purpose of obtaining public benefits, including veteran's
19 benefits, Medicaid, or Medicare;

20 (8) a temporary driving permit issued to the person by
21 the Department of Public Safety;

22 (9) a pilot's license issued to the person by the
23 Federal Aviation Administration or another authorized agency of the
24 United States;

25 (10) a library card that contains the person's name
26 issued to the person by a public library located in this state; or

27 (11) a hunting or fishing license issued to a person by

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1 that election; and

2 (2) the voter presents proof of identification as
3 required by Section 63.001(b):

4 (A) at the time the ballot was cast; or

5 (B) in the period prescribed under Section
6 65.0541.

7 SECTION 13. Subchapter B, Chapter 65, Election Code, is
8 amended by adding Section 65.0541 to read as follows:

9 Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
10 PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional
11 voting under Section 63.011 because the voter does not present
12 proof of identification as required by Section 63.001(b) may, not
13 later than the sixth business day after the date of the election,
14 present proof of identification to the voter registrar for
15 examination by the early voting ballot board.

16 (b) The secretary of state shall prescribe procedures as
17 necessary to implement this section.

18 SECTION 14. Section 521.422, Transportation Code, is
19 amended by amending Subsection (a) and adding Subsection (d) to
20 read as follows:

21 (a) Except as provided by Subsection (d), the [The] fee for
22 a personal identification certificate is:

23 (1) \$15 for a person under 60 years of age;

24 (2) \$5 for a person 60 years of age or older; and

25 (3) \$20 for a person subject to the registration
26 requirements under Chapter 62, Code of Criminal Procedure.

27 (d) The department may not collect a fee for a personal